

FORTY-FOURTH DAY
(Wednesday, March 28, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

A quorum was announced present.

The Reverend Marjorie M. Buckley, Tarrytown United Methodist Church, Austin, offered the invocation as follows:

Almighty and everlasting Lord, You are present with us now as always. For this we are thankful. These persons are gathered here as a body to represent the whole body of the people of Texas. Lead them, O Lord, to do the task which they were elected to do. Create in their hearts and minds attitudes and attributes of justice, love and concern for all their constituents.

In their discussion and disagreement remind them of Your abiding presence and power and help them to know that all things are possible when Your will is sought. These petitions we make in Your name. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

C.S.S.B. 484 (Read first time)

C.S.S.B. 182 (Read first time)

C.S.S.B. 835 (Read first time)

C.S.S.B. 1140 (Read first time)

Senator Howard, Vice-Chairman, submitted the following report for the Committee on Administration:

S.R. 315

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 686 (Amended)

S.B. 649

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1155 (Amended)

S.B. 1154

S.B. 527

S.B. 893

H.B. 796

Senator Farabee submitted the following report for the Committee on Jurisprudence:

S.B. 338

S.B. 518

S.B. 545

S.B. 653

S.B. 886

S.B. 965

S.B. 1025

S.B. 1034 (Amended)

S.B. 1035

C.S.S.B. 1137 (Read first time)

C.S.S.B. 546 (Read first time)

C.S.S.J.R. 36 (Read first time)

C.S.S.B. 544 (Read first time)

C.S.S.B. 500 (Read first time)

C.S.S.B. 337 (Read first time)

C.S.S.B. 281 (Read first time)

CO-AUTHOR OF SENATE BILL 548

On motion of Senator Jones of Harris and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 548**.

MESSAGE FROM THE HOUSE

House Chamber
March 28, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT
THE HOUSE HAS PASSED THE FOLLOWING:

HB 654, A bill to be entitled An Act relating to the authority of cities and counties to regulate the location of certain sexually oriented commercial activities; providing penalties.

HB 710, A bill to be entitled An Act relating to licensing of labor agents; amending Section 2, Subsections B, D and E of Section 3, Section 3C, 5, 5A, Subsection (c) of Section 7a, Section 7, 11, 12, and omitting Section 4, Chapter 234, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-5, Vernon's Texas Civil Statutes), as amended by the 64th Legislature, Regular Session, 1975; and declaring an emergency.

HB 1068, A bill to be entitled An Act relating to purchase or condemnation of property for purposes of the state highway program.

HB 1150, A bill to be entitled An Act relating to the procedure for contesting an election for the office of state senator or representative.

HCR 49, Commending the work of the Reverend Jesse Jackson.

S.C.R. 60 Instructing the Enrolling Clerk to make certain corrections in Senate Bill 168

HCR 133, Congratulating Miss Kay Kenner, Texas' Junior Miss 1979, and commending The Texas' Junior Miss Program, Inc.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator McKnight gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Mauzy and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1200 by Schwartz Jurisprudence
Relating to exemption of certain bingo games from the penal code; providing a penalty for unauthorized bingo games, amending Chapter 47, Penal Code.

S.B. 1201 by Ogg State Affairs
Relating to the importation of wine for personal use.

S.B. 1202 by Meier Jurisprudence
Relating to the issuance of a search warrant to search for property constituting evidence of an offense.

S.B. 1203 by Mauzy Education
Relating to the periods of time at which the Coordinating Board, Texas College and University System shall fix the interest rate to be charged for student loans; amending Section 52.36, Texas Education Code, as amended.

S.C.R. 62 by Schwartz

Natural Resources

Instructing the Texas Coastal and Marine Council to coordinate an evaluation by the Parks And Wildlife Department, the Department of Agriculture, the Industrial Commission, the General Land Office and the Department of Water Resources of the results produced by their respective programs and policies.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 1075**, To Committee on Human Resources.
- H.B. 825**, To Committee on Jurisprudence.
- H.B. 808**, To Committee on Education.
- H.B. 805**, To Committee on State Affairs.
- H.B. 779**, To Committee on Education.
- H.B. 546**, To Committee on Education.
- H.B. 452**, To Committee on Economic Development.
- H.B. 426**, To Committee on Jurisprudence.
- H.B. 412**, To Committee on Jurisprudence.
- H.B. 307**, To Committee on Natural Resources.
- H.B. 299**, To Committee on State Affairs.
- H.B. 164**, To Committee on State Affairs.
- H.B. 155**, To Committee on Economic Development.
- H.B. 41**, To Committee on Economic Development.

SENATE RESOLUTION 354

Senator Jones of Taylor offered the following resolution:

WHEREAS, March 28 is of special significance to the constituents of the largest state senatorial district in the nation; this day marks the birthday of the Senator from Midland, W. E. "Pete" Snelson; and

WHEREAS, Senator Snelson is a native West Texan; he was born in Grandfalls, Texas, son of pioneer farmers, the late Mr. and Mrs. Luke R. Snelson; and

WHEREAS, W. E. "Pete" Snelson served in World War II as an enlisted man in the 44th Infantry Division and a Special Agent of the Army Counter-Intelligence Corps; he was awarded the Combat Infantryman's Badge, the Bronze Star, and the Purple Heart for wounds received in combat in France; and

WHEREAS, He received a bachelor's degree from The University of Texas at El Paso and a master's degree from Northwestern University in Illinois; he married the former Susan Sutton and together they raised a family of four lovely children, Gene, Sandra, Steven, and Shane; and

WHEREAS, Elected to the House of Representatives in 1960, W. E. "Pete" Snelson was elected to the Senate in 1964 to represent the 25th Senatorial District; he ranks fifth in seniority and serves as Chairman of the Intergovernmental Relations Committee and is a member of the Finance and Education Committees; and

WHEREAS, Senator Snelson is a member of the Legislative Council and serves as Chairman of the Interim Committee on Special Education and as a member of the Public School Finance Committee and the Texas Sunset Commission; and

WHEREAS, He has served with honor and distinction and has won both the gratitude of his constituents and the respect of his peers in the Texas Senate; now, therefore, be it

RESOLVED, That the members of the Senate of the State of Texas, 66th Legislature, hereby extend birthday greetings to W. E. "Pete" Snelson with best wishes for a healthy and happy celebration; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Senator Snelson to commemorate this festive occasion.

The resolution was read.

On motion of Senator Jones of Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Jones of Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE JOINT RESOLUTION 29 ON THIRD READING

Senator Parker moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.J.R. 29, Proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide housing assistance for certain families and individuals.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Andujar, Creighton, Harris, McKnight, Mengden.

The resolution was read third time and finally passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

SENATE BILL 296 ON THIRD READING

Senator Parker moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 296, Relating to the establishment of a housing program for families and individuals of low income and families of moderate income.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Andujar, Creighton, Harris, McKnight, Mengden.

The bill was read third time and finally passed.

HOUSE BILL 1059 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1059, Relating to lease of public school and Gulf land.

The bill was read second time and was passed to third reading.

HOUSE BILL 1059 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1059** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 31 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 31, Requesting the Department of Mental Health and Mental Retardation and community mental health and mental retardation centers to place additional emphasis on mental health crisis counseling for the elderly and handicapped.

The resolution was read second time and was adopted.

SENATE BILL 548 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 548, Relating to providing interpreters and their pay; providing for pre-trial hearings on motions for interpreters; amending Article 38.30, Code of Criminal Procedure; amending Article 28.01, Code of Criminal Procedure, as amended; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 548 ON THIRD READING

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 548** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 768
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 768, Relating to suits affecting the parent-child relationship and to taking possession of a child under certain circumstances.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend Senate Bill No. 768, Subsection (b) of quoted Section 17.12 of SECTION 15 (page 2 of printed bill) by striking lines 14 through 20 and substituting in lieu thereof the following:

“(b) An attorney appointed to represent a child as authorized by this section is entitled to a reasonable fee in the amount set by the court and to be paid by the parents of the child, unless the parents are unable to pay.”

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 768
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 768** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 132 (Signed Subject to Sec. 49a,
Article III, Constitution of
State of Texas)

SENATE BILL 661 ON SECOND READING

Senator Clower moved to suspend the regular order of business to take up for consideration at this time:

S.B. 661, Relating to the charges on an installment contract for a commercial vehicle.

Senator Mauzy raised a Point of Order that there was no fiscal note attached to the bill.

The President overruled the Point of Order, stating there was no fiscal implication to the bill.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-Not Voting 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Longoria, Mauzy, Patman, Schwartz, Short.

Present-Not Voting: McKnight.

The bill was read second time.

Senator Clower offered the following committee amendment to the bill:

Amend **S.B. 661**, Section 1(a), Page 1, Line 11, by deleting the words “including any commercial vehicle as defined in this section.” and inserting the following:

“including any commercial vehicles and heavy commercial vehicles as defined in this article.”

The amendment was read and was adopted by the following vote: Yeas 31, Nays 0.

Senator Clower offered the following committee amendment to the bill:

Amend SB661, Section (2) (n), by adding the word “Heavy” before the words “Commercial Vehicle” on Page 1, line 20.

The committee amendment was read.

Senator Clower offered the following amendment to the committee amendment:

Amend Subsection (n), Section 2 of **S.B. 661** as follows:

Section 2. Article 7.01, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069 - 7.01, Vernon's Texas Civil Statutes) is amended by adding Section (n) to read as follows:

“(n) ‘Heavy Commercial Vehicle’ means any domestic or foreign truck or truck tractor that weighs more than ~~(15,000)~~ 25,000 pounds gross vehicular weight (GVW) or any trailer or semi-trailer designed for use in combination with any truck or truck tractor weighing more than ~~(15,000)~~ 25,000 pounds gross vehicular weight (GVW) and that is not used primarily for personal, family or household use.”

The amendment to the committee amendment was read and was adopted.

The committee amendment as amended as then adopted.

Senator Clower offered the following committee amendment to the bill:

Amend SB 661, Section 3 (1), by inserting the word "heavy" before the words "commercial vehicle" on line 11, and 21 on page 2, and line 11 on page 3.

The committee amendment was read and was adopted.

On motion of Senator Clower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Mauzy, Patman, Doggett and Schwartz asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 661 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 661** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Longoria, Mauzy, Patman, Schwartz.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Patman, Doggett and Schwartz asked to be recorded as voting "Nay" on the final passage of the bill.

PRESENTATION OF GUEST

The President presented to the Senate former Senator Culp Krueger.

COMMITTEE SUBSTITUTE SENATE BILL 499 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 499, Relating to the creation and administration of the Non-radioactive Industrial Perpetual Care Solid Waste Fund; amending Section 8(i) of

the Solid Waste Disposal Act, TEX. REV. CIV. STAT. ANN. art. 4477-7 (1977), as amended, adding Subsections (15), (16), and (17) to Section 2 and adding Section 12 to the Solid Waste Disposal Act, TEX. REV. CIV. STAT. ANN. art. 4477-7 (1977).

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend Section 2 of **S.B. 499** as printed by adding a new subsection (18) which reads as follows:

“(18) ‘Single point of generation’ means the physical, geographic location at which the industrial, manufacturing, mining or agricultural processes conducted result in the creation of industrial solid waste. A person can own and operate more than one ‘single point of generation’, but a point of generation whose location is defined by a single, uninterrupted boundary line is a ‘single point of generation’ for purposes of this act even though such facility may engage in more than one manufacturing, industrial, mining or agricultural process. Two or more pieces of property owned by the same person which are geographically contiguous and are divided by public or private rights-of-way are considered a single point of generation.”

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend Section 3 of **S.B. 499** as printed by amending Subsection (a)(1) of Section 12 to read as follows:

“(1) Fees: The department of water resources, acting through the board, is directed to establish, not later than one year from the date of passage of this bill, a fee schedule and to collect such fees from persons who generate, collect, handle, store, process, or dispose of industrial solid waste. Such fee schedule shall be implemented after public hearings which address at a minimum the financial responsibilities and solvency of generators, transporters and disposers of such non-radioactive, industrial solid waste. The board shall to the extent practical in its judgment vary the fee assessed per ton for various classes, types or other category of industrial solid waste such that the fee assessed bears a reasonable relationship to the environmental hazard posed by the various classes, types or other category of waste. In no case shall the fee exceed fifty cents (50¢) per ton. The minimum fee may be zero cents (0¢) per ton. In no case shall the total fee assessed as a function of industrial solid waste created from manufacturing, industrial, mining and agricultural processes at a single point of generation exceed a total of ten thousand dollars (\$10,000.00) for the twelve month period beginning with the first day the fee is due for such industrial solid waste as required by the fee schedule developed under this act and continuing for each twelve month period thereafter. From time to time as may be appropriate in the opinion of the board, the fee schedule may be altered so as to maintain the unencumbered fund balance at a level not to exceed five million dollars (\$5,000,000).”

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 499
ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 499** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-Not Voting 1.

Present-Not Voting: Parker.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Parker asked to be recorded as "Present-Not Voting" on the final passage of the bill.

**COMMITTEE SUBSTITUTE SENATE BILL 376
ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 376, Relating to employees of adult probation offices and the establishment and funding of those offices; prescribing the qualifications for probation officers and eligibility for certain benefits; amending sections relating to court-determined conditions of probation; amending the Code of Criminal Procedure, 1965, as amended, by amending Subsection (b), Section 6a of Article 42.12; Section 10 of Article 42.12; Section 6 of Article 42.12; and Subsection (b), Section 5 of Article 42.13; and amending Subdivision 6, Section 2, Chapter 127, Acts of the 60th Legislature, 1967, as amended (Article 6228g, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 376
ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 376** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

SENATE BILL 339 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 339, Permitting the use of book entry procedure of the Federal Reserve Bank by the Comptroller of Public Accounts, the State Treasurer, or any disbursing officer of an agency authorized to invest its funds directly and eliminating certain time requirements on securities; amending Article 6252-5a, Vernon Texas Statutes; and declaring an emergency.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **S.B. 339** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Andujar, Blake, Brooks, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Braecklein, Doggett, Longoria, Mauzy, Patman.

Absent: Clower, Parker.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Braecklein, Longoria, Mauzy, Doggett and Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 339 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 339** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5. (Same as previous roll call)

The bill was read third time and was passed.

RECORD OF VOTES

Senators Braecklein, Longoria, Mauzy, Doggett and Patman asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 153 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 153, Relating to the authority to create mutual trust investment companies.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **S.B. 153** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Andujar, Blake, Brooks, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Braecklein, Clower, Doggett, Longoria, Mauzy, Patman, Truan.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 153** in Subdiv. (a) of Section 5 by deleting the word "share" and substituting "shares" ...

The committee amendment was read and was adopted.

Senator Harris offered the following committee amendment to the bill:

Amend Senate Bill 153 by amending Subsection (c) of Section 6 to read as follows:

"The reasonable expenses of any such annual audits made by independent public accountants or certified public accountants and the cost of preparing and distributing the reports shall be borne and paid for by the mutual trust investment company."

The committee amendment was read and was adopted.

Senator Harris offered the following committee amendment to the bill:

Amend Senate Bill 153 by adding to Section 5 a new Subdivision (c) to read as follows:

"(c) For purposes of Sections 4 and 5 of this Act, the word 'stock' shall mean a unit of participation in the net asset value of one or more of the investment funds of a mutual trust investment company."

The committee amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 153 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 153** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Braecklein, Doggett, Longoria, Mauzy, Patman.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

SENATE BILL 878 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 878, Amending Article 5931-12 of Title 97A National Guard Armory Board; making more comprehensive the procedures Texas National Guard Armory Board may follow in connection with the refunding of their bonds and other evidences of indebtedness; making the Act cumulative; providing for severability; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 878 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 878** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 377 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration at this time:

S.B. 377, An Act establishing the Texas Human Genetics Center to provide comprehensive genetic services in the areas of mental illness and mental retardation; transferring to the Center all powers, duties, functions, obligations, property, records and personnel of the genetics counseling and screening program of the Denton State School; authorizing the acquisition of real property and the construction of suitable buildings; authorizing the provision of comprehensive genetic services; providing for an effective date; providing for severability; and declaring an emergency.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Mengden.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend S.B. No. 377 by striking all below the enacting clause and substituting the following:

Section 1. There is hereby established the Texas Department of Mental Health and Mental Retardation Genetics Screening and Counseling Program for the purpose of providing comprehensive genetic services in the areas of mental illness and mental retardation. In delivering comprehensive genetic services, the Program will give priority to clients and families of clients served by the facilities and institutions of the Texas Department of Mental Health and Mental Retardation and community centers for mental health and mental retardation services created pursuant to Article 5547-203, V.T.C.S. All powers, duties, functions and obligations of the genetics counseling and screening program of the Denton State School, together with all of its property, records and personnel, are transferred to the Program. The Program shall provide these comprehensive genetic services, consistent with its ability to do so, to those persons who meet its criteria for receiving services and who voluntarily seek such services.

Section 2. Within the limits of legislative appropriations, the Texas Board of Mental Health and Mental Retardation may relocate this Program at a site within the State of Texas which it determines to be suitable, may acquire land by purchase or gift, and may build suitable permanent buildings to provide the comprehensive genetics services. The Board shall take title to any land acquired for the Program in the name of the State of Texas for the use and benefit of the Program; provided, however, that the Attorney General of Texas shall first approve title to the land. Plans and specifications for suitable permanent buildings may be prepared and contracts for the construction of such buildings may be awarded when the land and necessary funds are available, under procedures prescribed by the Board, and the Board shall have the power and authority to do and perform all things necessary for carrying out the purposes of this Act.

Section 3. Each Section of this Act will take effect on the first day that money becomes available for its implementation pursuant to legislative appropriation.

Section 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend S.B. No. 377 by striking all above the enacting clause and substituting the following:

A BILL

To Be Entitled

AN ACT, establishing the Texas Department of Mental Health and Mental Retardation Genetics Screening and Counseling Program to provide comprehensive genetic services in the areas of mental illness and mental retardation; transferring to the Program all powers, duties, functions, obligations, property, records and personnel of the genetics counseling and screening program of the Denton State School; authorizing the acquisition of real property and the construction of suitable buildings; authorizing the provision of comprehensive genetic services; providing for an effective date; providing for severability; and declaring an emergency.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Mengden and Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 377 ON THIRD READING

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 377** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Mengden.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mengden and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Harris in Chair)

MOTION TO PLACE SENATE BILL 1149 ON SECOND READING

Senator Meier moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1149, Relating to the financing and conduct of primary elections.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 16, Nays 15.

Yeas: Andujar, Blake, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Price, Snelson, Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Kothmann, Longoria, Mauzy, Parker, Patman, Santiesteban, Schwartz, Short, Truan, Vale, Williams.

(President in Chair)

SENATE BILL 259 ON SECOND READING

Senator McKnight asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 259, Relating to the regulation of certain irrigators; and providing penalties.

There was objection.

Senator McKnight then moved to suspend the regular order of business and take up **S.B. 259** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Doggett, Kothmann, Longoria, Mauzy, Patman, Truan.

The bill was read second time.

Senator McKnight offered the following committee amendment to the bill:

Amend **S.B. 259** by adding to Section 2 a new subsection (1) and renumbering the remaining subsection (1) and all subsequent subsections accordingly; the new subsection (1) to read as follows:

“(1) any person licensed by the Texas State Board of Plumbing Examiners;”

The committee amendment was read and was adopted.

Senator McKnight offered the following amendment to the bill:

Amend **S.B. 259** by striking all below the enacting clause and substituting the following:

SECTION 1. DEFINITIONS. In this Act:

- (1) "Person" means a natural person.
- (2) "Board" means the Texas Board of Irrigators.
- (3) "Executive director" means the executive director of the Texas Department of Water Resources.
- (4) "Executive secretary" means the executive secretary of the board.
- (5) "Commission" means the Texas Water Commission.
- (6) "Irrigation system" means an assembly of component parts permanently installed with and for the controlled distribution and conservation of water for the purpose of irrigating any type of landscape vegetation in any location or for the purpose of dust reduction or erosion control.
- (7) "Licensed irrigator" means a person, licensed under this Act, who maintains a regular place of business, and who, by himself or herself, or through a person in his or her employ, sells, designs, consults, installs, maintains, alters, repairs, or services an irrigation system or yard sprinkler system including connections in and to a private or public raw or potable water supply or water supply system.
- (8) "Licensed installer" means a person who performs the actual connection to private or public raw or potable water supply systems.

SECTION 2. EXEMPTIONS. This Act does not apply to:

- (1) any person licensed by the Texas State Board of Plumbing Examiners;
- (2) a registered professional engineer or architect or landscape architect if his or her acts are incidental to the pursuit of his or her profession;
- (3) irrigation or yard sprinkler work done by a property owner in a building or on premises owned or occupied by him or her as his or her home;
- (4) irrigation or yard sprinkler work done by a maintenance person incidental to and on premises owned by the business in which he or she is regularly employed or engaged, and who does not engage in the occupation of licensed irrigator or in yard sprinkler construction or maintenance for the general public;
- (5) irrigation or yard sprinkler work done on the premises or equipment of a railroad by a regular employee of the railroad who does not engage in the occupation of licensed irrigator or in yard sprinkler construction or maintenance for the general public;
- (6) irrigation and yard sprinkler work done by a person who is regularly employed by a county, city, town, special district, or political subdivision of the state on public property;
- (7) a temporary or portable water device such as a garden hose, hose sprinkler, soaker hose, or agricultural irrigation system;
- (8) a portable or solid set or other type of commercial agricultural irrigation system; or
- (9) irrigation or yard sprinkler work done by an agriculturist, agronomist, horticulturist, forester, gardener, contract gardener, garden or lawn caretaker, nurseryman, or grader or cultivator of land, on land owned by himself or herself.

SECTION 3. TEXAS BOARD OF IRRIGATORS. (a) There is created a Texas Board of Irrigators composed of six members, each of whom shall be a citizen of the United States and a resident of this state.

(b) Each member of the board and his or her successor shall be appointed by the governor with the advice and consent of the senate. Two members shall be members of the public not licensed under this Act, and four members shall be licensed irrigators who have been actively engaged in the practice of irrigation of the type licensed under this Act for a period of at least five years.

(c) Except for the initial appointees to the board, the members of the board hold office for terms of six years, with the terms of two members expiring on January 31 of each odd-numbered year. In making initial appointments, the governor shall designate two members to serve terms expiring January 31, 1981, two members to serve terms expiring January 31, 1983, and two members to serve terms expiring January 31, 1985.

(d) The board shall select one of its members as chairman. The chairman shall serve for the term provided by the rules of the board and may be removed for cause, but his or her removal does not disqualify him or her from continuing as a member of the board.

(e) Four members of the board constitute a quorum for transaction of business.

(f) The initial board shall hold its first meeting within 30 days after all members have qualified, and the board shall hold at least two regular meetings each year at a time and place designated by the chairman. The board may hold special meetings at times and places considered necessary by a majority of the members of the board.

(g) Each member shall receive as compensation for his or her services \$25 a day for each day he or she is actively engaged in official duties in addition to actual travel expenses.

SECTION 4. EXECUTIVE SECRETARY; EMPLOYEES. (a) The board may employ an executive secretary approved by the executive director to perform the duties and functions provided by this Act and as directed by the board.

(b) The executive director shall provide necessary personnel, as available, to assist the executive secretary and the board in performing their duties and functions under this Act.

(c) The commission shall hear all contested cases as defined in the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), arising under this Act.

SECTION 5. BOARD FINANCES. (a) Money paid to the board under this Act shall be deposited in the state treasury in a special fund known as the Texas Board of Irrigators fund.

(b) The Texas Board of Irrigators fund shall be used to pay expenses under this Act.

(c) Before August 31 of each year, the board shall make a written report to the governor accounting for all receipts and disbursements under this Act.

SECTION 6. RULES. (a) The board shall adopt only those rules consistent with this Act to govern the conduct of its business and proceedings, and shall adopt standards governing revocation of certificates of registration and connections to public or private water supplies by a licensed irrigator or a licensed installer.

(b) The board does not have authority to amend or enlarge by rule on any provision of this Act, to change the meaning of this Act by rule in any manner, to adopt a rule that is contrary to the underlying and fundamental purposes of this Act, or to make a rule that is unreasonable, arbitrary, capricious, illegal, or unnecessary.

(c) The board shall adopt no rules which would preclude advertising or competitive bidding.

SECTION 7. REGISTRATION REQUIREMENT. (a) No person may act as a licensed irrigator or licensed installer unless he or she has a valid certificate of registration under this Act.

(b) The board shall issue certificates of registration to persons of good moral character who have shown themselves fit, competent, and qualified to act as licensed irrigators or licensed installers by passing a uniform, reasonable

examination which will include the principles of cross connections and safety devices to prevent contamination of potable water supplies.

(c) The board shall provide in its rules for the preparation, administration, and grading of examinations to acquire certificates of registration under this Act. The fee for taking the examination is \$50 for the irrigator certificate of registration and \$35 for the installer certificate of registration.

(d) A person holding a certificate of registration under this Act shall not be required to comply with any other licensing requirements of other state agencies to perform connections to private or public raw or potable water supply systems.

SECTION 8. RECIPROCITY. (a) The board may certify for registration without examination an applicant who is registered as a licensed irrigator or licensed installer in another state or country that has requirements for registration that are at least substantially equivalent to the requirements of this state and that extends the same privilege of reciprocity to licensed irrigators or licensed installers registered in this state.

(b) The application for registration under this section shall be accompanied by a fee of not to exceed \$50 for a licensed irrigator or \$35 for a licensed installer as determined by the board.

SECTION 9. RENEWAL. (a) Certificates of registration expire on August 31 of each year.

(b) The board or the executive secretary shall notify every person registered under this Act of the date of expiration of his or her certificate and the amount of the fee that is required for renewal for one year. The notice shall be mailed at least two months in advance of the date of expiration of the certificate.

(c) A person may renew his or her certificate at any time during the months of July and August of each year by payment of the fee adopted by the board in an amount of not more than \$100 for a licensed irrigator or \$50 for a licensed installer.

(d) Failure of a registrant to renew his or her certificate by August 31 does not deprive the registrant of the right to renewal, but the fee paid for renewal of a certificate after the August 31 expiration date shall be increased 10 percent for each month or part of a month that renewal payment is delayed. If the registrant fails to renew within 90 days after the date of expiration of the registration certificate, the registrant must reapply for registration and must qualify under Section 7 of this Act to act as a licensed irrigator or licensed installer.

(e) Renewal certificates carry the same registration number as the original certificates.

(f) By rule, the board may adopt a system under which certificates of registration may expire on various dates during the year. Renewals may be made at any time during the two-month period before the designated expiration date, and renewal fees paid after the expiration date shall be increased 10 percent for each month or part of a month that renewal payment is delayed. If a registrant fails to renew within 90 days after the expiration date of the registration, the registrant must reapply for registration and must qualify under Section 7 of this Act to act as a licensed irrigator or a licensed installer. For the year in which the expiration date is changed, registration fees payable on August 31 shall be prorated on a monthly basis so that each registrant will pay only that portion of the registration fee that is allocable to the number of months during which the registration is valid, and on renewal of the registration on the new expiration date, the total of the registration fee is payable.

SECTION 10. REVOCATION. (a) The commission may revoke a certificate of registration of any registrant whom it finds guilty of:

(1) violations of this Act or rules adopted under this Act;
(2) fraud or deceit in obtaining a certificate of registration; or
(3) gross negligence, incompetency, or misconduct while acting as a licensed irrigator or licensed installer.

(b) The commission shall hear complaints under Subsection (a) of this section subject to standards adopted by the board in its rules.

(c) Any person may file a complaint with the board. The complaint shall be in writing, shall be notarized and shall set forth the facts alleged. Three copies of the written allegations shall be filed with the executive director. One copy shall be sent by certified mail to the alleged violator.

(d) On receipt of written allegations, the board, if it considers the information sufficient to support further action, shall issue an order referring the complaint to the commission for setting a hearing.

(e) If the executive director determines through investigation that evidence exists of a violation, he may refer such evidence to the board or may proceed directly to the commission to request setting of a hearing.

(f) The commission may compel the attendance of a witness before it as in civil cases in the district court by issuance of a subpoena.

SECTION 11. PENALTY; INJUNCTION. (a) A person who represents himself or herself as a licensed irrigator or licensed installer in this state without being registered or exempted under this Act, who presents or attempts to use as his or her own the certificate of registration or the seal of another person who is a licensed irrigator or licensed installer, who gives false or forged evidence of any kind to the board or to any member of the board in obtaining or assisting in obtaining for another a certificate of registration, or who violates a provision of this Act or a rule adopted under this Act, shall be guilty of a Class C misdemeanor. Each day a violation of this subsection occurs constitutes a separate offense.

(b) The board or the executive director may request the attorney general to seek injunctive relief to prevent any of the acts of violation listed in Subsection (a) of this section.

SECTION 12. ENFORCEMENT OF ACT. The executive director with the assistance of the attorney general shall enforce this Act and the rules adopted by the board.

SECTION 13. LOCAL RULES AND REGULATIONS. The regulatory authority of any city, town, county, special purpose district, or other political subdivision of the state may require licensed irrigators or licensed installers to comply with any reasonable inspection requirements or ordinances and regulations designed to protect the public water supply and pay any reasonable fees imposed by that local entity relating to work performed by licensed irrigators within its jurisdiction.

SECTION 14. CERTIFICATION OF CERTAIN PERSONS. A person who holds a license as a landscape irrigator under Chapter 457, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 249c, Vernon's Texas Civil Statutes), on the effective date of this Act is entitled to be certified as a licensed irrigator without meeting the requirements of Section 7 of this Act; however, persons seeking to become licensed installers must comply with Section 7 of this Act.

SECTION 15. SUNSET PROVISION. The board is subject to the Texas Sunset Act, and unless continued in existence as provided by that Act, the board is abolished and this Act expires effective September 1, 1991.

SECTION 16. REPEAL OF CONFLICTING LEGISLATION WITH PROVISIO. All laws or parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed, provided however, that this Act shall

only be construed as repealing or amending any laws affecting or regulating any other profession as necessary to allow a licensed irrigator or a licensed installer under this Act to connect an irrigation system to any public or private raw or potable water supply system.

SECTION 17. SEVERABILITY. If any article, section, subsection, sentence, clause, or phrase of this Act is for any purpose or reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions thereof be declared unconstitutional.

SECTION 18. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator McKnight and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Doggett, Truan and Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 259 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 259** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Doggett, Kothmann, Longoria, Mauzy, Patman, Truan.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Harris, Howard, Jones of Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Doggett, Farabee, Kothmann, Longoria, Mauzy, Patman, Truan.

SENATE BILL 220 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 220, Relating to the Uniform Foreign Country Money-Judgment Recognition Act and the recognition of money judgments by courts of foreign countries.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Braecklein asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 220 ON THIRD READING

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 220** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Braecklein.

Absent: Moore.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Braecklein asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE SENATE BILL 293
ON SECOND READING**

Senator Farabee asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 293, Relating to regulation of the offer and sale of securities.

There was objection.

Senator Farabee then moved to suspend the regular order of business and take up **C.S.S.B. 293** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Farabee, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Price, Santiesteban, Short, Snelson, Traeger, Vale, Williams.

Nays: Doggett, Mauzy, Patman, Schwartz, Truan.

Absent: Creighton, Harris, Howard, McKnight, Moore.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Doggett, Mauzy and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 293 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 293** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 5. (Same as previous roll call)

The bill was read third time and was passed.

RECORD OF VOTES

Senators Doggett, Mauzy and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION RELATIVE TO LOCAL AND UNCONTESTED CALENDAR PROCEDURE

Senator Jones of Harris made the following motion:

I move that the bills and resolutions listed on the Local and Uncontested Calendar be set as Special Order for 8:30 o'clock a.m. Thursday morning and considered in the order listed, with the understanding that a bill or resolution removed from the Calendar will not be considered. I further move that the Three-Day Rule be suspended with respect to bills on the Local and Uncontested Calendar that are engrossed on Thursday morning.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Creighton, Harris, Howard, McKnight, Moore.

SENATE RULE 103 SUSPENDED

On motion of Senator Schwartz and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider **S.B. 580** at 2:00 o'clock p.m. today.

MEMORIAL RESOLUTIONS

S.R. 353 - By Farabee: Memorial resolution for P. S. Richardson.

S.R. 359 - By Snelson: Memorial resolution for Mrs. A. H. "Ella" Fulcher.

S.R. 360 - By Snelson: Memorial resolution for Mrs. Maude Amanda King Hurt.

S.R. 361 - By Snelson: Memorial resolution for Mrs. Beryl Chesney Crumpton.

S.R. 363 - By Schwartz: Memorial resolution for Milby Hudson.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 352 - By Traeger: Extending welcome to Steve Johnson.

S.R. 355 - By Traeger: Extending welcome to Seguin High School Migrant Program Students.

S.R. 356 - By Clower: Extending welcome to A. J. Thomas, Dean, SMU School of Law.

S.R. 357 - By Traeger: Extending welcome to government and history classes, Laredo State University.

S.R. 358 - By Schwartz: Extending congratulations to Dr. Emerson Stott.

S.R. 362 - By Clower: Extending welcome to government students from Cedar Valley College, Lancaster.

RECESS

On motion of Senator Jones of Harris the Senate at 12:41 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

Signed by Governor

(March 28, 1979)

H.C.R. 60

H.C.R. 71

H.C.R. 76

FORTY-FOURTH DAY

(Continued)

(Thursday, March 29, 1979)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Jones of Harris.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 16**. (Bills having been set as Special Order and Constitutional Three-Day Rule suspended by vote of 26-0 on March 28, 1979.)

The following bills were laid before the Senate, read second time, amended (when applicable), passed to engrossment, read third time and passed: (Sponsor and vote on final passage indicated after caption of each bill. When amended, vote on final passage follows the amendment.)

C.S.S.B. 46 (Brooks) Relating to the destruction of certain juvenile court records. (vv)

C.S.S.B. 178 (Doggett) Relating to setting the amount of attorney's fees. (31-0)

C.S.S.B. 218 (Schwartz) Relating to municipal control of unkept cemeteries. (31-0)

C.S.S.B. 232 (Mauzy) Relating to the effect of sick leave on the worker's compensation benefits for state employees. (31-0)

C.S.S.B. 374 (Schwartz) Relating to expunction of criminal records. (31-0)

S.B. 432 (Farabee) Relating to a parent's entitlement to the workers' compensation death benefits of a deceased worker. (31-0)

S.B. 494 (Mauzy) Relating to a plaintiff's dismissal of condemnation proceedings and recovery of expenses by a landowner.

Senator Mauzy offered the following committee amendment to the bill:

Amend SB 494 by striking the words "reimbursement of" from Section 1, subdivision 6, lines 14 and 15, page 1.

The committee amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 575 (Schwartz) Relating to the medical staff covered by the self-insurance program at certain medical schools.

Senator Short offered the following amendment to the bill:

Amend Senate Bill 575 by striking Section (1) and substituting in lieu thereof the following:

“(1) ‘Medical staff or students’ means medical doctors, doctors of osteopathy, dentists, and podiatrists employed ~~[full time]~~ by The University of Texas System, ~~[or]~~ The Texas A&M University System, the Texas Tech University Medical School, or the Texas College of Osteopathic Medicine, either full time or who, although employed less than full time, devote their total professional service to such employment; and interns, residents, fellows, and medical or dental students participating in a patient-care program in The University of Texas System or The A&M University System.”

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 598 (Jones of Harris) Providing that bonds and obligations of certain housing authorities are authorized security for public deposits and lawful investments. (31-0)

S.B. 612 (Patman) Relating to Comptroller's or Treasurer's signature on pay warrants. (31-0)

S.B. 613 (Longoria) Relating to the creation of the County Court at Law No. 3 of Hidalgo County.

Senator Longoria offered the following committee amendment to the bill:

Amend Senate Bill 613 by striking the number 1982 on line 2, page 9 and substituting the number 1980.

The committee amendment was read and was adopted.

On motion of Senator Longoria and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 632 (Short) Authorizing municipal courts of record in the City of Lubbock.

Senator Short offered the following amendment to the bill:

Amend S.B. No. 632 by striking all below the enacting clause and substituting the following:

SECTION 1. CREATION. The governing body of the city of Lubbock may by ordinance establish the city's existing municipal courts as municipal courts of record in accordance with this Act. Additional municipal courts of record may be created and one or more judges for each court may be authorized by ordinance on a finding that an additional court or courts, or additional judges, are necessary to properly dispose of the cases arising in the city.

SECTION 2. JURISDICTION; WRITS. (a) Municipal courts created under the provisions of this Act shall have jurisdiction within the territorial limits of the city in all criminal cases arising under the ordinances of the city and shall

also have concurrent jurisdiction with any justice of the peace in any precinct in which the city is situated in criminal cases arising within such territorial limits under the criminal laws of this state in which punishment is only by fine not exceeding \$200. Municipal courts shall also have jurisdiction over cases arising outside the territorial limits of the city under the ordinances authorized by Subdivision 19, Article 1175, Revised Civil Statutes of Texas, 1925, as amended.

(b) The municipal court of record shall take judicial notice of all ordinances of the city.

(c) The judge of a municipal court may grant writs of mandamus, injunction, attachment, and all other necessary writs necessary to the enforcement of the jurisdiction of the court, and may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court.

SECTION 3. JUDGES. (a) Each municipal court shall be presided over by one or more judges to be known as "municipal judges."

(b) Each municipal judge shall be elected by the qualified voters of the city for a term of two years, unless the city by charter amendment provides for a four-year term as provided by Article XI, Section 11, of the Texas Constitution. The governing body of the city may appoint a person or persons, with the qualifications required for a judge, to serve as the judge or judges authorized for each newly created municipal court of record until the next regular city election.

(c) The judges or substitute judges of the municipal courts may at any time exchange benches and may at any time sit and act for or with each other in any case, matter, or proceeding pending in their courts. An act performed by any of the judges shall be valid and binding on all parties to the cases, matters, and proceedings.

(d) If there is more than one municipal judge in the city, the governing body of the city shall appoint one of the judges to be the presiding municipal judge of the city. If the city has a municipal judge who is either its only municipal judge or its only municipal judge who is not serving in a temporary or part-time capacity, that judge shall be the presiding municipal judge for all purposes of this Act.

(e) The presiding judge shall:

(1) maintain a central docket for all cases filed in the geographical limits of the city over which the municipal courts of the city have jurisdiction;

(2) provide for the distribution of cases from the central docket to the individual municipal judges in order that the business of the courts will be continually equalized and distributed among them;

(3) request the jurors needed for cases that are set for trial by jury in the municipal courts of record, which, as provided by Section 11(b) of this Act, shall be transferred to and serve in the municipal court as if summoned for the municipal court to which they are transferred;

(4) temporarily assign various judges or substitute judges of the municipal courts to exchange benches and to sit and act for each other in any case, matter, or proceeding pending in their courts when necessary for the expeditious disposition of the business of the courts;

(5) cause all dockets, books, papers, and other records of the municipal courts to be permanently kept and permit these records to be available for inspection at all reasonable times by any interested parties;

(6) cause to be maintained as part of the records of the municipal courts an index of municipal court judgments such as county clerks are required by law to prepare for criminal cases arising in county courts; and

(7) where necessary for the proper functioning of the municipal courts, provide for the preservation by microfilm of the records of the courts, subject to the same requirements provided by law for the preservation by microfilm of records under the custody of county clerks.

(f) A judge of a municipal court created under the provisions of this Act shall have been a licensed attorney in good standing in the practice of law in this state for a period of five years, shall be a citizen of the United States and of this state, and shall be required to satisfy the same residency requirements as those pertaining to a member of the city council of the city of Lubbock. No person may serve in the office of municipal judge while he or she holds any other office or employment in the government of the city, and the holding of the other office or employment by a person serving in the office of municipal judge shall create an immediate vacancy in the judicial office.

SECTION 4. SALARY. A municipal judge is entitled to compensation by the city on a salary basis. The amount of the salary shall be determined by the governing body of the city and may not be diminished during the judge's term of office. The salary may not be based, directly or indirectly, on fines, fees, or costs that the municipal judge is required by law to collect during his or her term of office.

SECTION 5. VACANCIES; TEMPORARY REPLACEMENTS; REMOVAL. (a) When a vacancy in the office of municipal judge occurs, the governing body of the city shall appoint a person meeting the qualifications required by law for the position to fill the office of municipal judge for the unexpired term of the judge serving in that office prior to the vacancy. If a judge is temporarily unable to act for any reason, the governing body may appoint a person meeting the qualifications for the position to serve during the absence of the judge with all the powers and duties of the office and shall provide for the person's compensation.

(b) A municipal judge may be removed from office for cause to the same extent and under the same rules that judges of the county courts at law may be removed from office. A municipal judge is answerable to the governing body of the city only on budgetary matters.

(c) Each municipal judge shall comply with the same provisions for filing a financial statement as are required of other judges by Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9b, Vernon's Texas Civil Statutes).

SECTION 6. COURT FACILITIES. The governing body of the city shall provide the courtrooms, jury rooms, offices and office furniture, libraries, legal books and materials, and other supplies and facilities that the governing body determines are necessary for the proper operation of the municipal courts.

SECTION 7. COURT CLERK. The governing body of the city shall provide a clerk of the municipal courts, and the deputy clerks, warrant officers, and other municipal court personnel that are necessary for the proper operation of the municipal courts. It is the duty of the clerk to keep the records of proceedings of the municipal courts and to issue all processes and generally to perform the duties now prescribed by law for clerks of the county courts at law exercising criminal jurisdiction, insofar as the same may be applicable. The clerk of the municipal courts and all other personnel shall perform the duties of the office under the direction and control of the presiding municipal judge.

SECTION 8. COURT REPORTER. (a) For the purpose of preserving a record in cases tried before the municipal court, the city shall provide a court reporter with the qualifications provided by law for official court reporters, whose compensation shall be determined by the chief administrative officer of the city on the recommendation of the presiding municipal judge.

(b) The record of proceedings may be preserved by written notes, transcribing equipment, recording equipment, or any combination of these methods. The court reporter is not required to take or record testimony in cases where neither the defendant, the prosecutor, nor the judge demands it.

SECTION 9. PROSECUTIONS BY CITY ATTORNEY. All prosecutions in municipal courts shall be conducted by the city attorney of the city, or his or her assistant or deputy.

SECTION 10. COMPLAINT. (a) Proceedings in municipal courts shall be commenced by complaint, which shall begin: "In the name and by the authority of the State of Texas"; and shall conclude: "Against the peace and dignity of the State"; and if the offense is only covered by an ordinance, it may also conclude: "Contrary to the said ordinance." The municipal judge shall charge the jury in accordance with Section 11(a) of this Act. Complaints before the court may be sworn to before any officer authorized to administer oaths or before the municipal judge, clerk of the court, city secretary, or city attorney or his or her assistant or deputy, each of whom, for that purpose, shall have power to administer oaths. The complaint shall be in writing and shall state:

- (1) the name of the accused, if known, and if unknown, shall describe the accused as accurately as practicable;
- (2) the offense with which the accused is charged in plain and intelligible words;
- (3) the place where the offense is charged to have been committed, which must appear to be within the jurisdiction of the municipal court; and
- (4) the date of the offense which, as stated, must show that the offense is not barred by limitations.

(b) All pleadings in the municipal courts shall be in writing and filed with the clerk of the courts.

SECTION 11. RIGHT TO JURY. (a) Every person brought before the municipal courts and charged with an offense is entitled to be tried by a jury of six persons, unless waived according to law. The jury shall decide all questions of fact or credibility of witnesses. The court shall determine all matters of law and shall charge the jury on the law.

(b) When requested by the clerk of the municipal courts, the officials in the county who draw the names of jurors from the county jury wheel for the county's central jury system shall draw from the same jury wheel, and in the same manner, the names of jurors to compose as many lists for service in the municipal courts as the clerk of the municipal courts requested. The jury lists drawn for the municipal courts shall be delivered to the clerk of the municipal court. The governing body of the city shall establish the necessary procedures for the summoning and impaneling of jury panels by the municipal courts and for the payment of the jurors. A juror serving in the municipal court shall receive the same pay for each day or fraction of a day that he or she serves as jurors receive for service in the other courts of Lubbock County, as provided by Article 2122, Revised Civil Statutes of Texas, 1925, as amended.

(c) A juror in the municipal courts shall have the same qualifications as jurors in the other courts in Lubbock County as provided by Article 2133, Revised Civil Statutes of Texas, 1925, as amended, except that a juror in municipal court shall also be a registered voter in the city of Lubbock. Jurors in the municipal courts are subject to the same law governing exemption and excuse from jury service as the jurors in the other courts in the county.

SECTION 12. APPEALS; APPELLATE COURTS. (a) In this Act, "appellate courts" means the county courts at law in Lubbock County.

(b) A defendant has the right of appeal from a judgment or conviction in the municipal court under the rules prescribed in this Act. The appellate courts have jurisdiction over the appeals from the municipal courts, and all appeals from convictions in the municipal court shall be prosecuted in the appellate court by the city attorney or his or her assistants or deputies.

SECTION 13. NO DE NOVO APPEALS. Each appeal from a conviction in the municipal court shall be determined by the appellate court on the basis of errors pointed out in the defendant's motion for new trial and presented in the transcript and statement of facts prepared from the municipal court proceedings leading to the conviction. No appeal from the municipal court may be by trial de novo.

SECTION 14. MOTION FOR NEW TRIAL. In order to perfect an appeal, a written motion for a new trial must be filed by the defendant no later than the 10th day after the rendition of the judgment of conviction, and may be amended by leave of court at any time before it is acted on within 20 days after the filing of the original or amended motion. For good cause shown, the time for filing or amending may be extended by the court, not to exceed 90 days. An original or amended motion shall be deemed overruled by operation of law at the expiration of the 20 days allowed for determination of the motion, if it is not acted on by the court within that time. The motion shall set forth the points of error complained of by the defendant.

SECTION 15. NOTICE OF APPEAL. In order to perfect an appeal, the defendant shall give timely notice of appeal. In the event the defendant requests a hearing on his or her motion for a new trial, the notice of appeal may be given orally in open court on the overruling of the motion for new trial. Otherwise, the notice of appeal shall be in writing and filed with the municipal court no later than the 10th day after the motion for new trial is overruled. For good cause shown, the time for giving notice of appeal may be extended by the court, not to exceed 90 days.

SECTION 16. APPEAL BOND. If the defendant is not in custody, an appeal may not be taken until the required appeal bond has been filed with and approved by the municipal court. The appeal bond must be filed no later than the 10th day after the motion for new trial has been overruled. If the defendant is in custody, the defendant shall be committed to jail unless he or she posts the required appeal bond. The appeal bond shall be in an amount not less than double the amount of fine and costs adjudged against the defendant. However, the bond may not in any case be for a sum less than \$50. The bond shall recite that in the cause the defendant was convicted and has appealed and be conditioned that the defendant shall make his or her personal appearance before the court to which the appeal is taken instantaneously, if the court is in session, and there remain from day to day and answer in the cause.

SECTION 17. RECORD ON APPEAL. The record on appeal in a case appealed from the municipal court consists of a transcript and, where necessary to the appeal, a statement of facts, which shall be prepared by a court reporter of the court from the reporter's record of the proceeding, mechanical recordings of the proceedings, or from videotape recordings of the proceedings. If the court finds, after hearing in response to an affidavit by defendant, that the defendant is unable to pay or give security for the record on appeal, the court will order the reporter to make the transcription without charge to the defendant.

SECTION 18. CONTENTS OF TRANSCRIPTS. (a) The municipal court clerk, on written request from the defendant or the defendant's attorney, shall prepare under the clerk's hand and seal of the court for transmission to the appellate court a true transcript of the proceedings in the municipal court and shall include copies of the following:

- (1) the complaint;
- (2) material docket entries made by the court;
- (3) the jury charge and verdict, if the trial is by jury;
- (4) the judgment;

- (5) the motion for a new trial;
- (6) the notice of appeal;
- (7) all written motions and pleas and orders of the court;
- (8) bills of exception, if any are filed; and
- (9) the appeal bond.

(b) The municipal court clerk may include in the transcript additional portions of the proceedings in the municipal court prepared by mechanical recordings or videotape recordings of the proceedings.

SECTION 19. BILLS OF EXCEPTION. Either party may include bills of exception in the transcript on appeal, subject to complying with the applicable provisions of the Code of Criminal Procedure governing the preparation of bills of exception and their inclusion in the record on appeal to the court of criminal appeals, except that the bills of exception shall be filed with the municipal court clerk within 60 days after the giving or filing of the notice of appeal.

SECTION 20. STATEMENT OF FACTS. A statement of facts, when included in the record on appeal, shall consist of:

- (1) a transcription of all or any part of the municipal court proceedings in the case, as provided in this Act, that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if such a transcription is requested of the court reporter by the defendant;
- (2) a brief statement of the facts of the case proven at the trial, as agreed to by the defendant and the prosecuting attorney;
- (3) a partial transcription and the agreed statement of the facts of the case proven at the trial; or
- (4) a transcription of all or any part of the municipal court proceedings in the case that are prepared from the mechanical recordings or videotape recordings of the proceedings.

SECTION 21. COMPLETION, APPROVAL, AND TRANSFER OF RECORD. (a) Within 60 days of the giving or filing of the notice of appeal, the parties shall file with the municipal court clerk:

- (1) the statement of facts;
- (2) a written designation of all matter that is to be included in the transcript in addition to matter required to be in the transcript by Section 18 of this Act; and
- (3) any matter designated to be included in the transcript that is not then in the custody of the municipal court clerk.

(b) On completing the record as designated by the parties in Subdivision (2), Subsection (a) of this section, the municipal court judge shall approve the record in the manner provided by law for record completion notification and approval in appeals to the court of criminal appeals.

(c) On the municipal court judge's approval of the record, the municipal court clerk shall promptly forward the record to be filed with the appellate court clerk, who shall notify the defendant and the prosecuting attorney that the record has been filed.

SECTION 22. NEW TRIALS. It is the duty of the trial court to decide from the briefs of the parties whether the defendant should be permitted to withdraw his or her notice of appeal and be granted a new trial by the court. The court may grant a new trial at any time prior to the record being filed with the appellate court clerk.

SECTION 23. BRIEF ON APPEAL. (a) A brief on appeal from the municipal court shall present points of error in the same manner required by law for a brief on appeal to the court of criminal appeals.

(b) The defendant shall file his or her brief with the clerk of the appellate court within 15 days from the date of the filing of the transcript and statement of

facts with the appellate court clerk, and the defendant or the defendant's attorney shall certify in the brief to the posting of such by United States mail with proper postage affixed and addressed to the office of the prosecuting attorney. The prosecuting attorney shall file his or her brief with the clerk of the appellate court within 15 days after the defendant files the defendant's brief with the clerk. Each party, on filing his or her brief with the clerk of the appellate court, shall cause a true copy of the brief to be delivered to the opposing party and to the municipal court judge.

SECTION 24 COURT RULES. (a) Except as modified by this Act, the trial of cases before municipal courts shall be governed by the Code of Criminal Procedure, 1965.

(b) The municipal courts may make and enforce all necessary rules of practice and procedure, not inconsistent with the law, so as to expedite the trial of cases in the courts.

(c) The county courts at law of Lubbock County may make and enforce all necessary rules of practice and procedure for appeals from municipal courts, not inconsistent with the law, so as to expedite the dispatch of appeals from the municipal courts.

SECTION 25 DISPOSITION ON APPEAL. (a) The appellate court may affirm the judgment of the municipal court, or may reverse or remand for a new trial, or may reverse and dismiss the case, or may reform or correct the judgment, as the law and the nature of the case may require.

(b) The appellate court shall presume that the venue was proven in the court below, that the jury was properly impaneled and sworn, that the defendant was arraigned and pleaded to the complaint, and that the court's charge was certified by the municipal court judge before it was read to the jury, unless such matters were made an issue in the trial court or it affirmatively appears to the contrary from the transcript or statement of facts.

(c) In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The appellate court shall set forth the reasons for the decision. Copies of the decision of the appellate court shall be mailed by the clerk of the appellate court to the parties and the judge of the municipal court as soon as the decision is rendered by the appellate court.

SECTION 26. CERTIFICATE OF APPELLATE PROCEEDINGS. When the judgment of the appellate court becomes final, the clerk of the appellate court shall make out a proper certificate of the proceedings had and the judgment rendered and shall mail the certificates to the clerk of the municipal court. When the certificate is received by the clerk of the municipal court, the clerk shall file it with the papers in the case and note it on the docket. If the judgment has been affirmed, no proceeding need be had after filing the certificate in the municipal court to enforce the judgment of the court, except to forfeit the bond of the defendant, to issue a capias for the defendant, or issue an execution against the defendant's property.

SECTION 27. ORDER OF NEW TRIAL BY APPELLATE COURT. If the appellate court awards a new trial to the defendant, the cause shall stand as if a new trial had been granted by the municipal court.

SECTION 28. APPEAL TO THE COURT OF CRIMINAL APPEALS. When a judgment is affirmed by the appellate court, the defendant has the right to appeal to the court of criminal appeals if the fine assessed against the defendant in the municipal court exceeded \$100. The appeal to the court of criminal appeals shall be governed by provisions in the Code of Criminal Procedure relating to direct appeals from county and district courts to the court of criminal appeals except that:

(1) the record and briefs on appeal in the appellate court shall constitute the record and briefs on appeal to the court of criminal appeals unless the rules of the court of criminal appeals provide otherwise; and

(2) the record and briefs shall be filed directly with the court of criminal appeals.

SECTION 29. SEAL. The governing body of the city shall provide each municipal court with a seal with a star of five points in the center and the words "Municipal Court in Lubbock, Texas." The impress of the seal shall be attached to all papers, except subpoenas, issued out of the court and shall be used by each municipal judge or the clerk to authenticate all official acts of the clerk and the municipal judge.

SECTION 30. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Short and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-2) Mauzy, Vale "Nay"

C.S.S.B. 666 (Schwartz) Relating to the Gulf Coast Waste Disposal Authority.

Senator Schwartz offered the following amendment to the bill:

Amend the Committee Substitute for Senate Bill 666 (Committee Printing) on page 3, line 38, by inserting the following:

"'bonds, the execution of the contracts, and the performance of the other acts and procedures authorized herein by the authority and all persons, including specifically public agencies, without reference to any other provisions of law or any restrictions or limitations contained therein, except as herein specifically provided; and in any case, to the extent of any conflict or inconsistency between any provisions of this subsection and any other provision of law (including any home-rule city charter provisions), this subsection shall prevail and control; provided, however, that the authority and all persons, including specifically public agencies, shall have the right to use any other provisions of law not in conflict with the provisions of this subsection to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this subsection.'"

"SECTION 8. Section 3.25, Gulf Coast Waste Disposal Authority Act, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, as amended, is repealed."

and striking lines 39 through 49 in their entirety.

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended (31-0).

S.B. 683 (Jones of Harris) Relating to the use of the County Law Library Fund.

Senator Jones of Harris offered the following amendment to the bill:

Amend **S.B. 683** by striking quoted Section 7 and substituting in lieu thereof the following:

"Sec. 7. Such fund shall be administered by the Commissioners Court, or under its direction, for the purchase ~~(-)~~ and lease ~~(or)~~ of library materials, the maintenance of the (a) Law Library, and the acquisition of all furniture, shelving and equipment necessary thereto, in a place convenient and accessible to the Judges and litigants of such county. The Commissioners Court shall provide suitable space for housing the law library, and may, with the advice of the committee referred to in Section 5 of this Act, use funds collected under this Act for the acquisition of such space. Priority in the use of such funds shall be given to providing books, periodicals, other library materials and staff for the law library. The ~~[-the]~~ Commissioners Court of the counties affected by this Act shall make rules for the use of books in said library ~~[-and shall provide suitable space and shelving for housing same].~~"

The amendment was read and was adopted.

On motion of Senator Jones of Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 703 (Doggett) Relating to access to public and personal information. (30-1) Mengden "Nay"

C.S.S.B. 746 (Schwartz) Relating to designation of Regional Historical Resources Depositories. (31-0)

S.B. 759 (Farabee) Relating to the "Second Injury Fund" of the workers' compensation law. (31-0)

S.B. 765 (Creighton) Relating to a notary public seal. (30-1) Vale "Nay"

S.B. 875 (Mauzy) Relating to the initial medical report on workers' compensation claimants.

Senator Mauzy offered the following committee amendment to the bill:

Amend SB875 by striking the word "workman" from Section 7 lines: 21, 22, 27 on page 2 and from line 2 on page 3 and replacing them all with the word "workers".

The committee amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 909 (Mauzy) Relating to coverage of certain employees under political subdivision workers' compensation. (31-0)

S.B. 971 (Brooks) Relating to a conference for county tax assessor-collectors to be held by the Comptroller. (31-0)